

REMARKS

The present response is intended to be fully responsive to the rejection raised in the Office Action, and is believed to place the application in condition for allowance. Further, the Applicants do not acquiesce to any portion of the Office Action not particularly addressed. Favorable reconsideration and allowance of the application is respectfully requested.

In the Office Action, the Office noted that claims 1-24 are pending, and that claims 1-3 and 5-24 are rejected. In view of the above amendments and the following discussion, the Applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102 or obvious under the provisions of 35 U.S.C. §103. Thus, Applicants believe that all of these claims are now in condition for allowance.

I. ALLOWABLE CLAIMS

The Applicants note that the Office indicated that claim 4 would be allowable if rewritten in independent form including all of the limitations of independent claim 1 and intervening claims 2 and 3. The Applicants thank the Office for indicating allowable subject matter, but nonetheless submit, for the reasons set forth below, claim 1-3 are allowable over the prior art of record. Thus, the Applicants submit that the claim 4 is allowable, and in turn, request that the objection to such claim be withdrawn.

II. REJECTIONS

A. Response to §112 Rejection

The Office rejected claim 9 under 35 U.S.C. §112, second paragraph, because "said sequential estimation filter" in lines 2-3 of claim 9 lacks antecedent basis. The Office rejected claims 10-11 because these claims, as dependent claims of claim 9, incorporate the lack of antecedent basis of "said sequential estimation filter" in claim 9. The Applicants have amended claim 9, without adding new matter, to remove the lack of antecedent basis. As such, the Applicants request the Office to withdraw the rejection of claims 9-11.

B. Response to §102(e) Rejection

The Office rejected claims 1, 5, 7-8, 12-13, 16 and 19 under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 20040130485 filed by Rapoport et al. ("*Rapoport*"). The Applicants respectfully traverse this rejection.

The Office contended that *Rapoport* teaches all the elements of independent claim 1, including the claimed elements directed to *detecting whether a mobile receiver is in a stationary condition over a period of time, and responsive to detecting such condition, computing a position of the mobile receiver using sets of satellite signals received from a plurality of satellites over the same period of time*. In support of this contention, the Office cited to paragraphs [0002] and [0003].

More specifically, *Rapoport* at paragraph [0002] states in its entirety:

"[0002] The present invention relates to estimating precise position of a stationary or moving object using multiple satellite signals and a network of multiple receivers. The present invention is particularly suited to position estimation in real-time kinetic environments where it is desirable to take into account the spatial distribution of the ionosphere delay" (emphasis added).

In addition, *Rapoport* at paragraph [0003] states, in pertinent part:

"[0003] Satellite navigation systems, such as GPS (USA) and GLONASS (Russia), are intended for accuracy self-positioning of different users possessing special navigation receivers. A navigation receiver receives and processes radio signals broadcast by satellites located within line-of-sight distance, and from this, computes the position of the receiver within a pre-defined coordinate system" (emphasis added).

In contrast, the Applicants claim a method and apparatus that includes a combination of elements directed to *detecting whether a mobile receiver is in a stationary condition over a period of time, and responsive to detecting such condition, computing a position of the mobile receiver using sets of satellite signals received from a plurality of satellites over the same period of time*.

Specifically, the Applicants' claim 1 positively recites:

"A method of locating position of a mobile receiver, comprising:
determining sets of satellite measurements with respect to a plurality of satellites over a period of time;
detecting whether said mobile receiver is in a stationary condition over said period of time; and

computing a position of said mobile receiver using said sets of satellite measurements in response to detection of said stationary condition" (emphasis added).

Claim 13 recites similar recitations in apparatus form.

Contrary to the Office's contentions, the Applicants submit that the above-listed sections (and the rest) of *Rapoport* do not disclose the claimed elements *detecting whether the mobile receiver is in a stationary condition over a period of time*, whatsoever, and thus, do not describe any process or function related to and/or otherwise associated with such elements. That is, *Rapoport* does not disclose, for example, the claimed elements directed to *responsive to detecting whether the mobile receiver is in a stationary condition, computing a position of the mobile receiver using sets of satellite signals received from a plurality of satellites over the same period of time*.

The Applicants submit that *Rapoport* (i) merely discloses estimating a precise position of a stationary or moving object using multiple satellite signals and a network of multiple receivers, and (ii) is totally devoid of any explicit or inherent disclosure of detecting whether its object is in a stationary condition, much less detecting whether its object is in a stationary condition over a period of time. As such, the Applicants submit that *Rapoport* does not include any explicit or inherent disclosure directed to *responsive to detecting whether the mobile receiver is in a stationary condition, computing a position of the mobile receiver using sets of satellite signals received from a plurality of satellites over the same period of time*.

In fact, *Rapoport* at paragraphs [0033] – [0034] states:

"In the DN [differential navigation] mode, the task of finding the user position is performed relative to a Base station (Base), the coordinates of which are known with the high accuracy and precision. The Base station has a navigation receiver that receives the signals of the satellites and processes them to generate measurements. The results of these measurements enable one to calculate corrections, which are then transmitted to a roving GPS receiver, which the user has set up. We call this GPS receiver the "Rover station," or "Rover receiver." By using these corrections, the roving GPS receiver gains the ability to compensate for the major part of the strongly correlated errors in the measured pseudo-ranges, and to substantially improve the accuracy of the estimate of its position.

Usually, the Base station is immobile during measurements. The rover station may be either immobile or mobile. Depending on the navigational tasks to be solved, different modes of operation may be used in the DN mode. They differ in the way in which the measurement results are transmitted from the Base to the Rover. In the post-processing (PP) mode, these results are transmitted as digital recordings and go to the user after all the measurements have been finished. In the PP mode, the user reconstructs his or her location for definite moments in the past" (emphasis added).

Noticeably, there is no discussion in the foregoing quotes of *Rapoport* with respect to determining if the rover is either immobile or mobile. Instead, the rover merely "us[es] the[] corrections [received from the Base station], to gain[] the ability to compensate for the major part of the strongly correlated errors in the measured pseudo-ranges, and to substantially improve the accuracy of the estimate of its position." Clearly, this is not the same as *detecting whether a mobile receiver is in a stationary condition over a period of time, and responsive to detecting such condition, computing a position of the mobile receiver using sets of satellite signals received from a plurality of satellites over the same period of time.*

Since *Rapoport* lacks at least one element of each of the independent claims 1 and 13, the Applicants submit that *Rapoport* does not anticipate the claimed invention under 35 U.S.C. §102(e). As such, the Applicants submit that each of the independent claims 1 and 13 are patentable over *Rapoport*.

Claims 5, 7-8, 12, 16 and 19 depend, either directly or indirectly, from claims 1 or 13. Since the Applicants submit that *Rapoport* fails to anticipate the independent claims 1 and 13 for the reasons set forth above, the Applicants further submit that *Rapoport* likewise fails to anticipate each of the dependent claims 5, 7-8, 12, 16 and 19. Thus, the Applicants submit that the claims 1, 5, 7-8, 12-13, 16 and 19 fully satisfy the requirements of 35 U.S.C. §102, and therefore, are allowable.

C. Response to §103(a) Rejection

i. **Claims 2-3, 6 and 14-15**

The Office rejected claims 2-3, 6 and 14-15 under 35 U.S.C. § 103(a) as unpatentable over *Rapoport et al.* in view of U.S. Publication No. 20050014512 filed by Gerecht ("*Gerecht*"). The Applicants respectfully traverse this rejection.

The Office stated that *Rapoport* in combination with *Gerecht* teaches all of the elements of the dependent claims 2-3, 6 and 14-15. The Applicants note that the Office cited *Rapoport* for the proposition that it teaches all of the elements of independent claims 1 and 13 from which the claims 2-3, 6 and 14-15 ultimately depend. The Applicants also note that the Office only cited *Gerecht* with respect to the subject matter claimed in the dependent claims 2-3, 6 and 14-15.

The Applicants also note that the Office did not rely on *Gerecht* to (and further submit that *Gerecht* does not) teach the combination of elements directed to *detecting whether a mobile receiver is in a stationary condition over a period of time, and responsive to detecting such condition, computing a position of the mobile receiver using sets of satellite signals received from a plurality of satellites over the same period of time*, as noted above. The Applicants further submit, as discussed above, that *Rapoport* does not teach or suggest teach the combination of elements directed to such elements. Accordingly, the Applicants submit that the combination of *Rapoport* and *Gerecht* does not teach or suggest all the elements of each of the independent claims 1 and 13.

Given that each of the dependent claims 2-3, 6 and 14-15 depend, directly or indirectly, from either of the independent claims 1 or 13, each necessarily includes all the elements of its respective independent claim. Since the combination of *Rapoport* and *Gerecht* does not teach the limitations of the independent claims 1 and 13, the Applicants therefore submit that each of the dependent claims 2-3, 6 and 14-15 is not obvious under 35 U.S.C. §103(a) over *Rapoport* in view of *Gerecht*.

ii. Claims 17 and 18

The Office rejected claims 17-18 under 35 U.S.C. 103(a) as being unpatentable over *Rapoport* in view of U.S. Pub 20040239558 filed by *Geier et al.* ("*Geier*"). The Applicants respectfully traverse this rejection.

The Office stated that *Rapoport* in combination with *Geier* teaches all of the elements of the dependent claims 17 and 18. The Applicants note that the Office cited *Rapoport* for the proposition that it teaches all of the elements of independent claim 13 from which the claims 17 and 18 ultimately depend. The Applicants also note that the Office only cited *Geier* with respect to the subject matter claimed in the dependent claims 17 and 18.

The Applicants also note that the Office did not rely on *Geier* to (and further submit that *Geier* does not) teach the combination of elements directed to *detecting whether a mobile receiver is in a stationary condition over a period of time, and responsive to detecting such condition, computing a position of the mobile receiver using sets of satellite signals received from a plurality of satellites over the same period of time*, as noted above. The Applicants further submit, as discussed above, that *Rapoport* does not teach or suggest teach such combination of elements directed to such subject matter. Accordingly, the Applicants submit that the combination of *Rapoport* and *Geier* does not teach or suggest all the elements of each of the independent claim 13.

Given that each of the dependent claims 17 and 18 depend, directly or indirectly, from the independent claim 13, each necessarily includes all the elements of the independent claim 13. Since the combination of *Rapoport* and *Geier* does not teach the limitations of the independent claim 13, the Applicants therefore submit that each of the dependent claims 17 and 18 is not obvious under 35 U.S.C. §103(a) over *Rapoport* in view of *Geier*.

iii. Claims 20-24

The Office rejected claims 20-24 under 35 U.S.C. 103(a) as being unpatentable over *Rapoport* in view of U.S. Publication No. 20040239558 granted to *Geier et al.* ("*Geier*"). The Applicants respectfully traverse this rejection.

The Office stated that *Rapoport* in combination with *Geier* teaches all of the elements of independent claim 20 and dependent claims 21-24. The Applicants note that the Office cited *Rapoport* for the proposition that it teaches the elements of independent claim 20 directed to *detecting whether a mobile receiver is in a stationary condition over a period of time, and responsive to detecting such condition, computing a position of the mobile receiver using sets of satellite signals received from a plurality of satellites over the same period of time*. The Applicants also note that the Office did not rely on *Geier* to (and further submit that *Geier* does not) teach the combination of elements directed to such subject matter.

For the reasons set forth above, the Applicants submit that *Rapoport* does not teach or suggest teach the combination of elements directed to such subject matter. Accordingly, the Applicants submit that the combination of *Rapoport* and *Geier* does not teach or suggest all the elements of each of the independent claim 20.

Given that each of the dependent claims 21-24 depend, directly or indirectly, from the independent claim 20, each necessarily includes all the elements of the independent claim 20. Since the combination of *Rapoport* and *Geier* does not teach the elements of the independent claim 13, the Applicants therefore submit that each of the dependent claims 21-24 is not obvious under 35 U.S.C. §103(a) over *Rapoport* in view of *Geier*.

CONCLUSION

In view of the foregoing, the Applicants submit that none of the claims presently in the application are anticipated under the provisions of 35 U.S.C. §102 or obvious under the provisions of 35 U.S.C. §103. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Office believes that any unresolved issues still exist or if, in the opinion of the Office, a telephone conference would expedite passing the present application to issue, the Office is invited to call the undersigned attorney directly at 732.978.4899 or the office of the undersigned attorney at 732.978.7100 so that

appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Moser IP Law Group

Date: June 14, 2006

By: /JulianFSantos/

Julian F. Santos

Registration No. 47,917

MOSER IP LAW GROUP
1040 Broad Street – 2nd Floor
Shrewsbury, NJ 07702
732.935.7100